

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,

v.

RAMONE GARCIA SHIRLEY,

Defendant.

CRIMINAL CASE NO.

1:10-CR-167-JEC

ORDER

The above entitled action is presently before the Court on the Magistrate Judge's Second Final Report and Recommendation [58] recommending denying defendant's Motion in Limine #2 [44]. Defendant filed Objections [61, 62] to the Report and Recommendation [58] on July 21, 2011. IT IS HEREBY ORDERED that the Court **ADOPTS** the Magistrate Judge's Second Final Report and Recommendation [58] **DENYING** defendant's Motion in Limine #2 [44].

Also before the Court are the Motion in Limine No. 1 [43] and Motion to Modify Conditions of Release [47]. The Court **DENIES** as moot and without prejudice the first motion in limine, as the defendant has indicated he will enter a plea of guilty.

Defendant's Motion to Modify Conditions of Release [47] is also **DENIED**. Defendant is presently on home confinement awaiting the conclusion of these proceedings, which will consist of the entry of

a plea of guilty by the defendant on August 29, 2011 and then his sentencing hearing. As these proceedings are imminent, the Court sees no reason to disturb the present bond arrangements. The defendant may request, at sentencing, that the Court provide some adjustment in his sentencing length as a result of his lengthy period of home confinement. It will be up to the undersigned whether to grant any adjustment.

Finally, the Clerk's Docket shows as still pending an Oral Motion to Suppress Evidence entered on June 22, 2010. This oral motion was perfected on July 6, 2010 via the defendant's First Particularized Motion to Suppress Evidence and First Motion to Suppress Statements [18]. On November 10, 2010, the magistrate judge recommended denying in part and granting in part the motion [32], and this Court issued an Order [39] adopting that Report and Recommendation on December 22, 2010. According, the oral motion was subsumed within the written perfected motion and the Clerk should show that motion as closed, effective December 22, 2010.

SO ORDERED this 22<sup>nd</sup> day of AUGUST, 2011.

/s/ Julie E. Carnes  
JULIE E. CARNES  
CHIEF U.S. DISTRICT JUDGE